

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Prior to this amendment, Claims 16-27 were pending in the application, with Claims 16 and 21 being the independent claims.

The Examiner rejected Claims 21-25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,216,106 to *John* in view of U.S. Patent 5,440,405 to *Ahmed* and U.S. Patent No. 6,185,433 to *Lele et al.* (hereinafter, *Lele*). The Examiner rejected Claims 16-19 under 35 U.S.C. §103(a) as being unpatentable over *John* in view of U.S. Patent No. 5,280,521 to *Itoh et al.* (hereinafter, *Itoh*), U.S. Patent No. 6,477,243 to *Choksi et al.* (hereinafter, *Choksi*), and *Lele*. The Examiner rejected Claims 16-19 under 35 U.S.C. §103(a) as being unpatentable over *John* in view of *Ahmed*, *Choksi* and *Lele*. The Examiner rejected Claim 20 under 35 U.S.C. §103(a) as being unpatentable over *John* in view of *Itoh*, *Choksi*, *Lele* and U.S. Patent No. 3,866,206 to *DeGiorgio et al.* (hereinafter, *DeGiorgio*). The Examiner rejected Claim 20 under 35 U.S.C. §103(a) as being unpatentable over *John* in view of *Ahmed*, *Choksi*, *Lele* and *DeGiorgio*. The Examiner rejected Claim 26 under 35 U.S.C. §103(a) as being unpatentable over *John* in view of *Ahmed*, *Lele* and *DeGiorgio*. The Examiner rejected Claim 27 under 35 U.S.C. §103(a) as being unpatentable over *John* in view of *Ahmed*, *Lele* and *Choksi*.

Regarding the §103(a) rejection of Claims 21-25, the Examiner contends that each element of the claims is taught, suggested or rendered obvious by the combination of *John*, *Ahmed* and *Lele*. More specifically, the Examiner contends that *John* discloses each element of Claim 1 with the exception of generating, by the called mobile station, a confirmation message indicating the confirmation by the called party, and transmitting, from the called mobile station, the confirmation message directly to the calling mobile station. The Examiner cites *Ahmed* and *Lele* in an attempt to remedy these deficiencies.

Claim 21 has been amended to more clearly recite the subject matter of the present invention. Specifically, amended Claim 21 recites, in part, that when a voice call is not normally established, it is determined whether a user of the called mobile station has confirmed a message. A confirmation message is generated and transmitted directly to the calling mobile station.

John discloses that a voice messaging system transmits information reflecting a status of the voice message to the calling party. The voice messaging system of *John* differs from the called mobile station of Claim 21, which determines whether the user of the called mobile station has confirmed a message.

Ahmed describes a “called machine” that corresponds to the called mobile terminal of Claim 21. *Ahmed* learns that the called machine receives an NSS frame, but fails to disclose that the confirmation of the received message is performed by a user of the called mobile station. More specifically, *Ahmed* fails to disclose whether a user of the called machine has confirmed a NSS frame sent by the calling machine.

Accordingly, the CFR frame, which confirms that the called machine has successfully received NSS frame, is clearly different from the confirmation message indicating the confirmation by the user of the called mobile terminal.

Lele discloses that a communication device automatically responds with a data message without disrupting the user of the called device. The Examiner relies upon *Lele* as disclosing a technology of transmitting data message to the calling communication device. However, as described in lines 25-27 of Column 7 of *Lele*, the data message is one of a plurality of user defined text messages prestored in the memory of the called device. The data message of *Lele* is a prestored message, and therefore, it differs from the confirmation message of the claimed invention indicating the confirmation by the user of the called mobile station. Thus, *Lele* fails to remedy the deficiency of the *Ahmed*.

Consequently, the cited references, *John*, *Ahmed* and *Lele*, either alone or in combination, fail to disclose, teach or suggest a determination of whether a user of the called mobile station has confirmed a message, the confirmation message indicating the confirmation by the user of the called mobile station, as recited in amended Claim 21. Therefore, amended Claim 21 is patentable over the combination of *John*, *Ahmed* and *Lele*.

Regarding Claims 22-25 and newly presented Claim 29, while not conceding the patentability of the dependent claims, *per se*, Claims 22-25 and 29 are also patentable for at least the above reasons. Accordingly, Applicant asserts that Claims 21-25 and 29 are allowable over *John*, *Ahmed*, *Lele*, or any combination thereof, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Regarding the §103(a) rejections of Claims 16-19, the Examiner contends that each element of the claims is taught, suggested or rendered obvious by the combination of *John*, *Itoh*, *Choksi* and *Lele*, and the combination of *John*, *Ahmed*, *Choksi* and *Lele*.

Claim 16 has been amended to more clearly recite the subject matter of the present invention. Specifically, amended Claim 16 recites, in part, informing a called mobile station of a receipt of a message from a calling mobile station, determining when the received message is a text message, whether a called party of the called mobile station has confirmed the received message, which is stored in the called mobile station, and transmitting a confirmation message directly to the calling mobile station, when a user of the called mobile station has confirmed the received message.

The Examiner contends that *John* teaches informing of a receipt of a message from a calling mobile station. However, *John* merely discloses that a status of a voice message is returned to a calling party. *John* fails to provide any disclosure relating to informing a called mobile station of a receipt of a message, as recited in amended Claim 16.

Itoh discloses that the called mobile station verifies only whether it has received the message and then sends an answer signal. *Itoh* fails to relate to a confirmation message generated when the user of the called mobile station has confirmed the received message. From the answer signal of *Itoh*, it is difficult to ascertain whether a user of the called mobile station has confirmed a message.

Lele is cited by the Examiner as disclosing the direct transmission of a confirmation message to the called terminal. However, as discussed above, a message of *Lele* is only a prestored message. Therefore, the message of *Lele* differs from the confirmation message of the claimed invention indicating a confirmation by a user of the called mobile station.

Similarly, *Ahmed* fails to remedy the deficiencies of *John* for the reasons described above with respect to amended Claim 21. Therefore, amended Claim 16 is patentable over the combination of *John*, *Itoh*, *Choksi* and *Lele*, and the combination of *John*, *Ahmed*, *Choksi* and *Lele*.

Regarding Claims 17-19 and newly presented Claim 28, while not conceding the patentability of the dependent claims, *per se*, Claims 17-19 and 28 are also patentable for at least the above reasons. Accordingly, Applicant asserts that Claims 16-19 and 28 are allowable over *John*, *Itoh*, *Ahmed*, *Choksi*, *Lele*, or any combination thereof, and the rejections under 35 U.S.C. §103(a) should be withdrawn.

Regarding the §103(a) rejections of Claims 20, 26 and 27, *DeGiorgio* also fails to remedy the deficiencies of *John* described above with respect to independent Claims 16 and 21. Therefore, while not conceding the patentability of the dependent claims, *per se*, Claims 20, 26 and 27 are also patentable for at least the above reasons. Accordingly, Applicant asserts that Claims 20, 26 and 27 are allowable over *John*, *Itoh*, *Ahmed*, *Choksi*, *Lele*, *DeGiorgio*, or any combination thereof, and the rejections under 35 U.S.C. §103(a) should be withdrawn.

Accordingly, all of the claims pending in the Application, namely, Claims 16-29 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over a horizontal line.

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